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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,388	12/22/2006	Andreas Ahrens	09287W-US	4730

7590 06/08/2009
Joel S Carter
Patent Department
One John Deere Place
Moline, IL 61265

EXAMINER

RAINEY, ROBERT R

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,388	Applicant(s) AHRENS ET AL.	
	Examiner ROBERT R. RAINEY	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4-16 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-16 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,567,004 to *Pietzsch* ("*Pietzsch*").

As to **claim 1**, *Pietzsch* discloses a device for the operation of a vehicle, which, in particular, is constructed in the form of an agricultural or industrial utility vehicle (see for example the Background of the Invention section), with a gripping part (12) (see for example Fig. 2 item 26), on a vehicle console (see for example Fig. 2 the thing that the gripping part is mounted to), wherein the gripping part (12) is constructed such that it can be gripped at least in part by one of the operator's hands, and/or that it is suitable at least in part for engagement with an operator's hand (see for example Fig. 2), wherein the gripping part (12)

has operating elements (18, 20, 22) (see for example Fig. 2 items 27), with which at least one function of the vehicle and/or one function of a work device, that may be attached to the vehicle, can be controlled, and wherein a display unit (24) (see for example Fig. 2 item 30) is provided that is correlated to the gripping part (12) (see for example Fig. 2 note that the items are correlated at least in that they are proximate each other or in that they are constrained to certain spatial relationships to each other) and can be arranged so that it is adjustable, relative to the gripping part (12) (see for example Fig. 2 item 33 or 35).

Pietzsch discloses the claimed invention except for providing that the gripping part can be placed rigidly on the console. One of ordinary skill in the art could have mounted the gripping part rigidly since it requires no more than ordinary skill to remove features such as the hinge that allows the gripping part to move in its deployed position. The suggestion/motivation would have been to reduce cost by eliminating components and their function.

Regarding **claim 2**, in addition to the rejection of claim 1, *Pietzsch* further discloses that the display unit (24) has a monitor (see for example Fig. 2 item 30), preferably, an LCD or a TFT monitor, wherein the monitor can show information regarding the operating state of the vehicle or a work device that can be attached to the vehicle and that, preferably, has a touch-entry capability comparable to a touch screen (Note that the use of the term “preferably” eliminates the described limitations from consideration because they are not

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necessary. However: examiner takes official notice that touch screen TFT LCD monitors were known for use in vehicles. It would have been obvious to one of ordinary skill in the art at the time of the invention to use such a recognized option. The suggestion/motivation would have been to provide advantages such as low weight and cost compared to some other options or to allow soft controls to be provided in addition to those suggested on item 26, i.e. those located in columns next to the large rectangle that suggests an addressable display.).

Regarding **claim 3** in addition to the rejection of claim 2, *Pietzsch* further discloses that at least one other operating element is provided on the display unit (24) (the rejection of claim 2 covers the obviousness of the use of a touch screen, the touch screen function inherently provides "operating elements").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT R. RAINEY whose telephone number is (571)270-3313. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RR/

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629